

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/660,883 Confirmation No.: 6937
Applicant(s): Gregory Pinchasik et. al. Group Art Unit: 3773
Filed: 09/12/03 Examiner: Vy Q. Bui
For: LONGITUDINALLY FLEXIBLE STENT Customer No.: 75004

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Supplemental Information Disclosure Statement is filed in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98. The items listed on Form PTO-1449, a copy of which is enclosed, are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

1. For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:

2. For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application.

3. Any copy of the items listed on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in application Serial No. _____, filed _____.

4. No fee is due under 37 C.F.R. § 1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:

- 37 C.F.R. § 1.97(b)(1), within three months of the filing date of a national application other than a CPA; or
- 37 C.F.R. § 1.97(b)(2), within three months of the date of entry into the national stage as set forth in § 1.491 in an international application; or
- 37 C.F.R. § 1.97(b)(3), before the mailing date of a first Office action on the merits; or
- 37 C.F.R. § 1.97(b)(4) before the mailing date of a first office action after the filing of an RCE under § 1.114.

5. No fee is due under 37 C.F.R. § 1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. § 1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. § 1.97(e) set forth in paragraph 9 below.

6. A fee is due under 37 C.F.R. § 1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. § 1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):

- A check in the amount of \$180.00 is enclosed in payment of the fee.
- Charge the fee to Deposit Account No. 504387, Order No. 92077.003US8.

7. A fee is due under 37 C.F.R. § 1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. § 1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:

- a. one of the certifications pursuant to 37 C.F.R. § 1.97(e) set forth in paragraph 9 below; and
- b. the fee due under 37 C.F.R. § 1.17(p) which is paid as set forth in paragraph 11 below.

8. This Information Disclosure Statement is being filed in compliance with:
 - a. 37 C.F.R. § 1.313(b)(3) or § 1.313(c)(1), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. § 1.17(h);
 - b. 37 C.F.R. § 1.313(c)(2) or § 1.313(c)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Request for Continued Examination (RCE) or a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. § 1.17(h).
 - c. The fee due under 37 C.F.R. § 1.17(h) is paid as set forth in paragraph 11 below.
9. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
 I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
10. This document is accompanied by a Search Report Communication which was cited in a corresponding PCT or Foreign counterpart application
11. A check in the amount of \$ _____ is enclosed in payment of the fees due under 37 C.F.R. §§ 1.17(h) and 1.17(p).
 Charge the fees due under 37 C.F.R. §§ 1.17(h) and 1.17(p) to Deposit Account No. 504387, Order No. 92077.003US8.
 The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 504387, Order No. 92077.003US8.

Remarks

Applicant hereby submits the attached supplemental information disclosure statement pursuant to the recent Federal Circuit opinion in McKesson Info. Solutions, Inc. v. Bridge Med., Inc., 487 F. 3d 897 (Fed. Cir. 2007), and the duty of disclosure set forth in 37 C.F.R. § 1.56. Pursuant to McKesson, the references contained in the supplemental information disclosure statement include Official Action(s) and Notice(s) of Allowance from co-pending related applications. The supplemental information disclosure statement also includes prior art not previously cited.

Respectfully submitted,
CADWALADER, WICKERSHAM & TAFT LLP

Dated: February 20, 2008

By: 
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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH /VBA/

FORM PTO-1449B		Attorney Docket: 92077-003US8	Serial No.: 10/660,863
INFORMATION DISCLOSURE CITATION		Applicant: Gregory Pinchasiak et al.	
		Filing Date: 09/12/03	Group Art Unit: 3773

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	1.	<p>Office Actions and Responses to Office Actions of related U.S. Application No. 09/516,753, issued as U.S. Pat. No. 7,141,062:</p> <ul style="list-style-type: none"> • Notice of Allowance mailed 7/28/06 • Amendment and Response to Final Office Action dated 6/8/06. • Final Office Action dated 12/8/05. • Amendment and Response to Non-Final Office Action dated 8/15/05. • Non-Final Office Action dated 3/15/05. • Response to Election Requirement dated 11/2/04. • Election Requirement dated 8/11/04. • Amendment and Response to Final Office Action dated 5/13/04. • Final Office Action dated 2/6/04. • Amendment and Response to Non-Final Office Action dated 11/13/03. • Non-Final Office Action dated 8/13/03. • Amendment and Response to Final Office Action dated 6/2/03. • Final Office Action dated 12/3/02. • Amendment and Response to Non-Final Office Action dated

¹ EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22323-1450.

/VY Bui/

04/25/2008

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

USA Active 120326721

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /VB/

		7/26/02.
	<ul style="list-style-type: none"> • Non-Final Office Action dated 1/30/02. <p>2. Office Actions, Responses to Office Actions and Notice of Allowance of related U.S. Application No. 09/795,794, issued as U.S. Pat. No. 6,709,453:</p> <ul style="list-style-type: none"> • Non-Final Office Action dated 12/20/01. • Response to Office Action dated 6/19/02. • Supplemental Amendment dated 8/5/02. • Final Office Action dated 1/30/03. • Amendment and Response to Final Office Action dated 5/1/03. • Non-Final Office Action dated 7/15/03 • Amendment and Response to Final Office Action dated 9/11/03. • Supplemental Response dated 9/17/03. • Supplemental Response dated 9/22/03. • Notice of Allowance dated 9/24/03. 	
	<p>3. Office Actions and Responses to Office Actions of related U.S. Application No. 09/864,389</p> <ul style="list-style-type: none"> • Final Rejection dated 2/5/08 • Amendment and Response to Non-Final Office Action dated 9/28/07 • Non-Final Office Action dated 3/28/07 • Amendment and Response to Final Office Action and Request for Continued Examination dated 9/8/06 • Final Office Action dated 8/10/05 • Examiner Interview Summary dated 8/10/05 • Supplemental Amendment dated 8/3/05 • Amendment and Response to Non-Final Office Action dated 4/15/05 • Non-Final Office Action dated 1/12/05 • Amendment and Response to Final Office Action and Request for Continued Examination dated 10/18/04 	

		<ul style="list-style-type: none"> • Final Office Action dated 9/26/03 • Amendment and Response to Non-Final Office Action dated 2/25/03 • Non-Final Office Action dated 9/24/02 • Response to Election Requirement dated 7/3/02 • <u>Election Requirement dated 2/5/02</u>
	4.	<p>Office Actions, Responses to Office Actions and Notice of Allowance of related U.S. Application No. 09/864,160, issued as U.S. Pat. No. 6,723,119:</p> <ul style="list-style-type: none"> • Non-Final Office Action dated 1/29/02. • Amendment and Response to Non-Final Office Action dated 6/26/02. • Supplemental Response dated 8/5/02. • Final Office Action dated 12/3/02. • Notice of Appeal dated 6/3/02. • Notice of Allowance dated 9/26/03. • Response After Final dated 9/11/03. • Supplemental Response After Final dated 9/17/03.
	5.	<p>Office Actions and Responses to Office Actions of related U.S. Application No. 10/040,789, now abandoned:</p> <ul style="list-style-type: none"> • Notice of Abandonment dated 6/6/05. • Response to Non-Compliant Amendment dated 4/21/05. • Notice of Non-Compliant Amendment dated 3/21/05. • Amendment and Response to Non-Final Office Action dated 2/24/05. • Non-Final Office Action dated 8/25/04. • Preliminary Amendment dated 1/16/03.
	6.	<p>Office Actions and Responses to Office Actions of related U.S. Application No. 10/236,144:</p> <ul style="list-style-type: none"> • Amendment and Response to Final Office Action dated 1/9/08

		<ul style="list-style-type: none"> • Non-Final Office Action dated 9/21/07. • Amendment and Response to Final Office Action dated 6/26/07 • Final Office Action dated 2/26/07. • Amendment and Response Non-Final Office Action dated 8/7/06. • Non-Final Office Action dated 2/8/06. • Response to Election Requirement dated 11/17/05. • Election Requirement dated 9/21/05.
	7.	<p>Office Actions and Responses to Office Actions of related U.S. Application No. 10/619,837:</p> <ul style="list-style-type: none"> • Response to Non-Final Office Action and Terminal Disclaimer dated 2/4/08 • Non-Final Office Action dated 10/4/07 • Response to Election Requirement dated 2/5/07 • Election Requirement dated 1/4/07
	8.	<p>Office Actions and Responses to Office Actions of related U.S. Application No. 11/395,751:</p> <ul style="list-style-type: none"> • Amendment and Response to Election Requirement dated 12/10/07. • Requirement for Restriction/Election dated 11/8/07. • Amendment and Response to Non-Final Office Action dated 7/11/07. • Non-Final Office Action dated 4/11/07.

Examiner
Signature

/Vy Bui/

Date
Considered

04/25/2008